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1999



Montana Fish, Wildlife & Parks

Industrial Site West, P.O. Box 1630, Miles City, Montana 59301

P.O. Box 1630
Miles City, MT 59301
October 1, 1999

Environmental Quality Council, Capitol Building, Helena, MT 59620-1704
Dept. of Environmental Quality, Metcalf Building, PO Box 200901, Helena, MT 59620
Montana Fish, Wildlife, and Parks

Director's Office	Wildlife Division	Lands Section
Legal Unit	Commissioners	Fisheries Division
Regional Supervisor	Information Officer	Parks Division

Montana Historical Society, SHPO, 225 N. Roberts, Veteran's Memorial Building, Helena, MT 59620

Montana State Library, 1515 E. Sixth Ave, Helena, MT 59620-1800

Jim Jensen, Montana Environmental Informational Center, PO Box 1184, Helena, MT 59624

George Ochenski, PO Box 689, Helena, MT 59624

Montana River Action Network, PO Box 8298, Bozeman, MT 59773-8298

Joe Gutkoski, 304 N. 18th Ave, Bozeman, MT 59715

Tony Jewett, Montana Wildlife Federation, PO Box 1175, Helena, MT 59624

Dwayne Andrews, DNRC, PO Box 1794, Miles City, MT 59301

Tim Murphy, BLM, 111 Gary Owen Rd., Miles City, MT 59301

Rich Day, National Wildlife Federation, 240 N. Higgins, Missoula, MT 59802

Janet Ellis, Montana Audubon Council, PO Box 595, Helena, MT 59624

John Gatchell, Montana Wilderness Assn., PO Box 635, Helena, MT 59624

Ira Holt, 548 Cielo Vista, Hamilton, MT 59840

Nature Conservancy, 32 S. Ewing, Helena, MT 59601 - 5702

Dave Majors, Montana Wildlife Federation, 3289 Wood Duck Ln., Stevensville, MT 59870

Steve Antonioli, Skyline Sportsmen, PO Box 173, Butte, MT 59703

Jim Richard, Montana Wildlife Federation, PO Box 508, White Sulphur Springs, MT 59645

Alan Rollo, Montana Wildlife Federation, 808 52nd St. S., Great Falls, MT 59405

Prickly Pear Sportsmen's Assoc., 1721 Virginia Dale St., Helena, MT 59601

John Wilson, Montana Land Reliance, PO Box 355, Helena, MT 59624

Glenn Marx, Governor's Office, Capitol Station, Helena, MT 59620

Jim Peterson, Montana Stock Growers Assoc., PO Box 1697, Helena, MT 59604

Montana Parks Assoc., PO Box 699, Billings, MT 59103

Bud Clinch, PO Box 201601, 1625 11th Ave., Helena, MT 59620-1601

Bob Harrington, Region 3 Headquarters, 1400 S. 19th, Bozeman, MT 59715

Mike Frisina, 1330 W. Gold, Butte, MT 59701

Les and Donna Hirsch, HC 32, Box 4311, Miles City, MT 59301

Ted and Ruth Hirsch, Moon Creek Road, Miles City, MT 59301

OTHER INTERESTED PARTIES:

Custer County Commissioners, Custer County Courthouse, 1010 Main Street, Miles City, MT 59301

Danny Maag, Powderville, MT 59345

Clyde Leischner, 1709 N. Strevell, Miles City, MT 59301

John Killen, 2506 Brisbin, Miles City, MT 59301

John Hamilton, Tongue River Stage, Miles City, MT 59301

Bob Pauley, Tongue River Stage, Miles City, MT 59301

Aaron Essex, Tongue River Stage, Miles City, MT 59301

Mary Chezum, Moon Creek Road, Miles City, MT 59301

Charles Bumgardner, Moon Creek Road, Miles City, MT 59301

Ervin Waldie, Tongue River Stage, Miles City, MT 59301

Pat Landers, Tongue River Stage, Miles City, MT 59301

Dr. Tom Pezzarossi, 2505 Stower, Miles City, MT 59301

Robert Shy, 319 Lake Ave, Miles City, MT 59301

STATE DOCUMENTS COLLECTION

OCT 07 1999

MONTANA STATE LIBRARY
1515 E. 6th AVE.
HELENA, MONTANA 59620

Ladies and Gentlemen:

Recently you received documents relating to Montana Fish, Wildlife and Parks (MFWP) proposal to amend the conservation easement, consummated in 1997, between MT FWP and Les and Donna Hirsch and Ted and Ruth Hirsch. The amendment will incorporate an additional 1,760 acres of deeded inholdings and land adjacent to the Hirsch Ranch into the original easement. The property is located 30 miles south of Miles City along the Tongue River.

Minor wording changes were made to original draft documents sent to you after the public review period. These changes are summarized in the attached DECISION NOTICE. With these changes incorporated please consider the previous copies sent you as final.

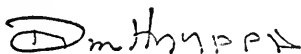
Several comments were received regarding the proposal; all positive comments in support of the proposal. The comments are summarized in attached DECISION NOTICE.

It is my recommendation to proceed with the proposal and approve the amendment, subject to incorporation of the wording changes in the attached DECISION NOTICE and subject to approval by the FWP Commission.

The FWP Commission will be asked to approve the amendment at their meeting on October 8, 1999.

Thank you very much for your interest and involvement.

Sincerely,

A handwritten signature in dark ink, appearing to read "Don Hyypa". The signature is written in a cursive, somewhat stylized script.

Don Hyypa
Regional Supervisor

Enclosure

DECISION NOTICE

HIRSCH RANCH CONSERVATION EASEMENT AMENDMENT

Prepared by Region 7, Montana Fish, Wildlife & Parks
October 1, 1999

PROPOSAL

Montana Fish, Wildlife and Parks (MFWP) is proposing to amend the conservation easement, consummated in 1997, between MT FWP and Les and Donna Hirsch and Ted and Ruth Hirsch. The amendment will incorporate an additional 1,760 acres of deeded inholdings and land adjacent to the Hirsch Ranch into the original easement. The property is located 30 miles south of Miles City along the Tongue River. All acreage is located in Custer County and accessed by Highway 332.

The amendment to the original easement is being proposed to conserve the riparian, sagebrush grassland and plains forest habitats and to allow for more consistent and effective management and allow for implementation of the original easement terms across the entire property. MFWP proposes to purchase the additional easement and implement the easement terms while maintaining the present private use and ownership of the ranch.

MONTANA ENVIRONMENTAL POLICY ACT PROCESS

The public comment period for this action ran from September 9, 1999 through September 30, 1999. Approximately 50 copies of the Environmental Assessment, assessing impacts to the human and physical environment of this action were distributed to adjacent landowners, environmental and sportsmen groups, the state library, Custer County Commissioners and other interested parties. FWP met with Custer County Commissioners on September 21, 1999 to explain the proposal and answer any questions. A public hearing on this proposed easement was held at MFWP headquarters in Miles City, Montana on September 21, 1999. Legal notice of the public hearing was advertised in the Miles City Star, The Billings Gazette, Great Falls Tribune and the Missoula paper.

SUMMARY OF PUBLIC COMMENTS

Two written comments were received. One from Stan Wilmouth with the State Historic Preservation Office stating they agree that the easement amendment would have beneficial effects to cultural resources. The other comment received from Custer County Commissioners stated they had no outstanding concerns and endorsed its implementation.

The public hearing was attended by one member of the public. This individual expressed support for the proposal.

Internal comment was received from Steve Knapp suggesting that in the Management plan under III.B. (Evaluation and Monitoring) the word "will" be changed to "may" in paragraphs 2,3, and 4.

MODIFICATIONS

The Management Plan will be changed to incorporate Steve Knapp's recommendations as follows:
In Section III.B. Paragraph 2 "Transects will be established..." will be changed to "Transects may be established.." Paragraph 3 "Two, one acre enclosures will be constructed..." will be changed to "Two, one acre enclosures may be constructed..." Paragraph 4 " General aspect photo plots will be established..." will be changed to " General aspect photo plots may be established...."

DECISION

After review of this proposal and corresponding public comment it is my recommendation to proceed with the proposed action and approve the amendment, with the modifications recommended by Steve Knapp, and subject to approval by FWP Commission.



Don Hyypa
Regional Supervisor, MT FWP
Miles City, MT 59301
October 1, 1999



HIRSCH RANCH CONSERVATION EASEMENT



STATE DOCUMENTS COLLECTION

MONTANA STATE LIBRARY
1515 E. 6th AVE.
HELENA, MONTANA 59601

- ENVIRONMENTAL ASSESSMENT
- MANAGEMENT PLAN



ENVIRONMENTAL ASSESSMENT

DRAFT ENVIRONMENTAL ASSESSMENT
HIRSCH RANCH CONSERVATION EASEMENT AMENDMENT PROPOSAL
September, 1999

PART 1. DESCRIPTION OF PROPOSED ACTION

I. PROPOSED ACTION

Montana Fish, Wildlife and Parks (FWP) proposes to purchase a conservation easement on 640 acres of land owned by Les and Donna Hirsch and 1120 acres owned by Ted and Ruth Hirsch. The property consists of recently purchased inholdings and property adjacent to the original Hirsch Ranch. These properties will be amended into and included in the original Conservation Easement, consummated in 1997, covering the rest (8,909 acres) of the Hirsch property. The property under consideration is located 30 miles south of Miles City (Figures 1 & 2). All acreage is located in Custer County and accessed by Highway 332.

The property includes:

T3N, R46E:
Section 2 S1/2 & S1/2N1/2 (Ted & Ruth)

T4N R46E:
Section 30 E1/2 (Les & Donna)
Section 32 All (Ted & Ruth)
Section 34 NE1/4, S1/2NW1/4, E1/2SE1/4 (Les & Donna)

Three of the six statewide habitats identified in Habitat Montana; riparian, shrub grassland and plains forest constitute the original properties. Properties under consideration are similar to and represent a continuum of the original property. From a statewide and eco-region perspective, riparian and shrub grassland habitats are two that are seriously threatened and/or highly productive and in need of enhancement and protection. Easement terms require FWP participation in development of the properties to enhance and conserve these habitats for wild and domestic animals.

The original easement requires in perpetuity provisions to: protect riparian areas while producing crops to benefit wildlife and livestock; no more than 50% of the existing irrigated fields may be planted to crops other than wheat, barley, oats, corn or alfalfa; prohibit additional sod-busting; and maintain the existing management system for public hunting. Additionally the landowners and Fish, Wildlife and Parks will develop rest-rotation grazing systems that will accommodate yearlong grazing by livestock. These same covenants would apply to the properties being considered for inclusion in this amendment.

The department is proposing to pay \$83,000 for inclusion of these properties into the easement.

II. AUTHORITIES/DIRECTION

FWP has the authority under law (87-1-201) to protect, improve and regulate the use of Montana's fish and wildlife resources for public benefit now and in the future. In 1987, the Montana Legislature passed HB526 which earmarked specific FWP license revenues to secure wildlife habitat through lease, conservation easement or fee title acquisition (87-1-241 and 242).



REGION 7

REGION 7



Figure 2

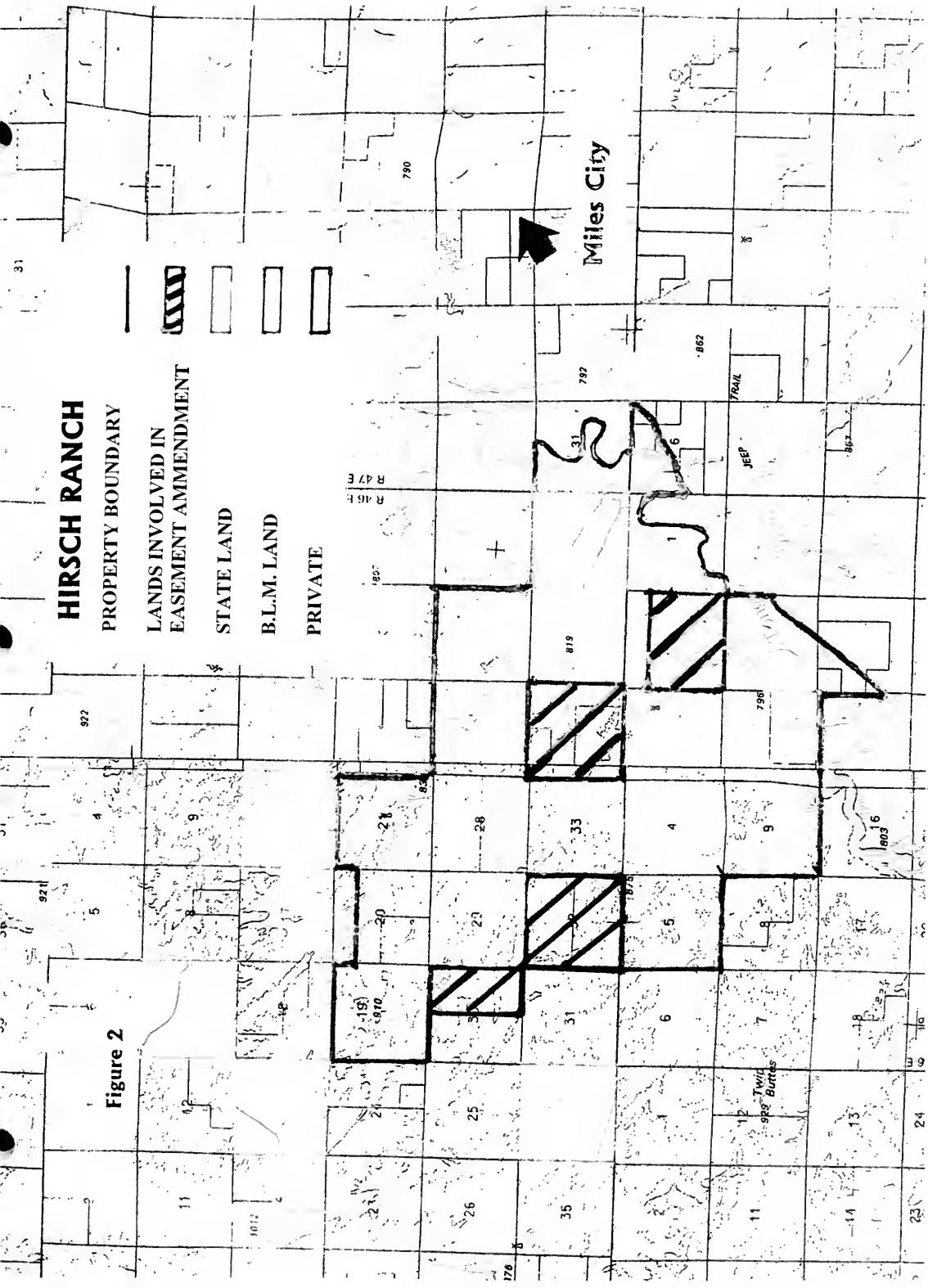
PROPERTY BOUNDARY

**LANDS INVOLVED IN
EASEMENT AMMENDMENT**

STATE LAND

B.L.M. LAND

PRIVATE



III. PURPOSES AND BENEFITS OF PROPOSED ACTION

The purposes and benefits of this conservation easement amendment proposal are the same as the purposes and benefits of the original conservation easement, namely:

The primary purpose of the original easement is to: protect seriously threatened habitats, particularly the riparian and sagebrush grassland habitats. A secondary purpose is to develop a partnership between the landowner and hunters to improve and maintain the productivity and quality of the land, water and vegetation to meet the needs of wild and domestic animals, the landowners and hunters. This land stewardship project will be designed to improve conditions for livestock and wildlife production by developing and limiting the amount of land farmed and implementing rest-rotation grazing. Three of the six statewide habitats, the riparian, shrub grassland and plains forest will be benefitted.

Easement terms provide the additional benefits of: keeping in perpetuity lands for agricultural purposes; rewarding the landowners for their role in wildlife management; guaranteeing in perpetuity annual hunting opportunities; and providing access to the Tongue River for purposes of hunting.

Resident and migrating wildlife will benefit from the improved condition of the shrub grassland and riparian habitats comprising the ranch. Specifically, the pronghorn antelope, mule deer, whitetail deer and sage grouse winter ranges will improve; sharp-tailed grouse, sage grouse, pheasants and wild turkey nesting, brood-rearing and winter areas will improve; summer habitat for the aforementioned species, plus deer and many species of non-game birds, and mammals will be enhanced.

Additionally, inclusion of these inholdings and adjacent lands into the easement will allow for more consistent and effective management and implementation of the original easement terms across the entire property.

IV. DESCRIPTION AND ANALYSIS OF REASONABLE ALTERNATIVES

A. No Action Alternative

If this proposal is unsuccessful, FWP could lose a significant opportunity to use its limited resources to improve and conserve critical wildlife habitat and maintain recreational opportunity. At present, the inholdings represent gaps in original easement and result in areas within the boundaries of the easement with inconsistent and possibly conflicting management. The purpose and benefits of the original easement are diluted by the presence of these inholdings and the presence of these inholdings could possibly, at some point in time, jeopardize the spirit and intent of the original easement. The opportunity to protect the land from other uses that impact the three wildlife habitats, i.e., sod-busting, sub-division and timbering would also be lost.

B. Proposed Alternative

FWP proposes to purchase a conservation easement on inholdings and pieces adjacent to the original Hirsch property easement. Including the proposed pieces into the easement would allow for consistent management and easement protection across the entire property. The primary provisions of the easement amendment will include implementation of a combination of management actions to protect and enhance all habitat types. Condition and productivity of the habitat types, the sagebrush grassland and plains forest will also be improved and protected. Rest rotation grazing and prohibition of tree removal and sagebrush control will benefit livestock and wildlife. All of the habitats will be improved by implementation of rest rotation grazing.

The current level of livestock grazing (4320 AUM's) over the entire property will be maintained year round. The landowners and the department have agreed to share equally in the cost of implementing the rest-rotation grazing systems. The existing management system for public hunting will be maintained. A minimum of 450 hunters will be accommodated each year, providing approximately 1,350 hunter days. The hunting management system will provide the flexibility to accommodate hunting and hunters under various environmental conditions. The original easement and the proposed amendment will also prohibit commercial hunting, additional sod-busting and subdivisions.

V. SUMMARY OF PROPOSED ACTION/BENEFITS AND PURPOSE

The original easement project and this proposed amendment are part of a statewide habitat development and conservation plan administered by the Wildlife Division and overseen by the FWP Commission. The purpose of the original easement and this amendment is to protect seriously threatened habitat. This is a partnership project designed to affect positive changes regarding land management and hunter use. The partnership is dynamic and individualized to meet the needs described. The overriding benefit of the action is that a public trust, wildlife, is being benefitted by private landowners, whose agricultural operations in turn are being supplemented by those who pay to use wildlife.

A. Anticipated Outcomes

The project will contribute to statewide and regional land, water and wildlife conservation and benefit the people of the state of Montana and the local communities in a variety of ways including:

- * conserving land, water and wildlife on approximately an additional 2,080 acres; bringing the total under the conservation management to 10,908 acres while providing

incentives for habitat conservation on private land. Grazing, riparian and hunter management systems will be developed/expanded to benefit the land, water, wildlife, livestock, the livestock operators and hunters.

- * contribute to hunting opportunities and non-hunting recreation. The property considered in the amendment would provide an estimated additional 150 hunting recreation days; bringing the total for the entire property to 1350. Non-hunting recreation days are difficult to estimate but could potentially increase under this proposal.
- * provide incentives for habitat conservation on private land while demonstrating that productive wildlife habitat is compatible and improved by other land uses including agriculture. Vegetation management will include; developing livestock water resources; developing and protecting riparian areas; and improving the productivity of existing plant communities comprising the sagebrush grassland/plains forest habitats. Instituting these management practices will be mutually beneficial to the land, water, wildlife and livestock and maintain traditional ranching activities.
- * Protect open space and scenic values by enhancing and protecting riparian river habitat and preventing land subdivision into ranchettes, vacation home sites, and private hunting clubs

B. Habitat/Population Condition

Approximately 90% of the property under consideration in this proposal is native range, the majority of which is presently in good condition, but will improve with the institution of management actions designed to protect and improve existing habitat condition. Improved range condition will result in wildlife population increases over time until a balance is reached as a result of the grazing, vegetation and hunter management systems. As a result of these established management systems the balance will be reached sooner as plant succession is speeded up and the physiological needs of the vegetative community are met and protected. A healthy vegetative community will result in increased sustainable yields of wildlife. This will be most significant when adverse environmental conditions occur.

The adjacent location and combination of riparian, shrub grassland and plains forest habitats on the properties make it highly productive wildlife habitat. Currently, the area supports healthy populations of mule deer, white tail deer prairie grouse and pheasant.

Wildlife species occurring on the Hirsch ranch include:

1. Primary game species: mule deer, whitetail deer, antelope, sharptail grouse, ring-necked pheasant, waterfowl and mourning doves.
2. Secondary game species: sage grouse, turkey, and Hungarian partridge.
3. Non-game species include: ferruginous hawk, red-tailed hawk, bald eagle, golden eagle, burrowing owl, great blue heron, vesper sparrow, field sparrow and Brewer's sparrow, upland sandpiper, woodpeckers, warblers and other passerines, black-tailed prairie dog and numerous small mammals, prairie rattlesnake, painted and snapping turtles. Furbearers and predators; coyote, red fox, badger, raccoon, skunk, bobcat, beaver, muskrat and mink.

Species of concern associated with this area include: ferruginous hawk, red-tailed hawk, golden eagle, bald eagle, burrowing owl and upland sandpiper.

ENVIRONMENTAL REVIEW

I. EVALUATION OF THE IMPACTS OF THE PROPOSED ACTION ON THE PHYSICAL ENVIRONMENT

A. Land Resources

Impact of Proposed Action: No impacts to unique geological or physical features, but positive changes in decreased erosion and siltation and increased soil fertility and production. These positive impacts will result from the increased vegetation produced by protecting native plant growth, growing agricultural crops in selected areas to benefit and protect the land, and changing the practice of "continuous grazing" (same time, same place each year).

No Action Alternative: Should this project not be completed the lands potential would not be realized both from its agricultural and wildlife capabilities. The potential to make the land produce increased but sustainable crops of wild and domestic animals is attainable because of a shared vision between the landowner and FWP. The opportunity to protect the land from the impacts of sod busting, timbering and subdivision would also be lost.

B. Air Resources

Impact of Proposed Action: Human activities would be limited to dispersed recreational pursuits which would not impact air quality.

No Action Alternative: If FWP is not able to purchase the conservation easements, ranch activities would continue with no impact to air quality.

C. Water Resources

Impact of the Proposed Action: Significant positive impacts should also be realized in surface and ground water as a result of better water distribution and improvements in soil condition, plant vigor, abundance and diversity by developing livestock water resources and instituting rest rotation grazing systems.

No Action Alternative: No change from the status quo will result to existing water resources.

D. Vegetation Resources

Impact of Proposed Action: No significant impacts will occur with respect to; adverse effects on plant species, reduction in agricultural land, establishment or spread of noxious weeds. Positive impacts will occur in the form of an improved vigor of the native plant community and increased diversity, productivity and abundance of plant species.

The proposed action will provide consistent grazing management across the entire property. This management will provide necessary rest for native plants that are traditionally grazed off during the growing season. This gives plants that livestock prefer an opportunity to go to seed and propagate. Without this system, plants would be continually grazed until death and new, less desirable plant species would invade. Improved water distribution will lessen the negative impacts presently occurring on shrubs such as buffaloberry, willow, chokecherry, silver sage and snowberry. Negative impacts from livestock (trampling, rubbing) on these shrubs will decrease with improved water distribution and rest from grazing during the growing season.

Farming, like grazing, will be done to protect the land while producing crops to benefit livestock and wildlife.

No Action Alternative: As stated under "water resources", if land being considered in this amendment is grazed under a continuous grazing system (same pastures, same time each year), adverse effects on desirable plant species abundance and distribution will occur. Less desirable tap-rooted plants and possibly noxious weeds will replace the desirable forage plants. Plants are not only destroyed by grazing, but by the action of significant numbers of livestock congregated in the same place year after year.

E. Fish/Wildlife Resources

Impact of Proposed Action: No significant impacts will occur with respect to: deterioration of wildlife habitat, introduction of a new species, wildlife migrations, adverse effects on wildlife species or increased conditions that stress wildlife. Positive impacts will occur in wildlife species abundance, productivity and diversity.

Development and protection of habitats through controlled grazing and planting of crops beneficial to wildlife will enhance these habitats. Prohibition of tree removal and protection of existing native vegetation will also improve the habitat for wildlife.

Ground nesting non game and game bird species will realize significant benefits through the rest-rotation grazing system. Use by livestock under this system enhances the vegetation needed by wildlife for growth and maintenance. This system also maximizes residual cover in a portion of the system each year. Residual vegetation will provide improved nesting, brood rearing and winter cover. Increased residual cover, along with revitalized stands of chokecherry, sage brush, buffaloberry and snowberry resulting from grazing by livestock provide excellent wintering areas for mule deer, whitetail deer, antelope and resident bird species.

The proposed action would not only enhance the habitat for wildlife but, will do so in perpetuity.

No Action Alternative: If FWP is unable to purchase the easements the probability that vegetation will be managed with a concern for wildlife is unlikely, even though, the Hirsch's have a profound interest in wildlife. Grazing by livestock, unless practiced under a system that considers plant physiology and needs, will not enhance wildlife habitat to its fullest.

F. Summary

Since the proposed project is in reality a "status quo" action, significant impact resulting from the action will be minimal or nonexistent. Except for limited and short duration disturbances resulting from fence construction and pipeline installation impacts on the physical environment will be positive.

II. EVALUATION OF THE IMPACTS OF THE PROPOSED ACTION ON THE HUMAN ENVIRONMENT

A. Noise/Electrical Effects

Impact of Proposed Action: No change from the current situation. The easement will be used to manage, protect and enhance the property to benefit a diversity of plants and animals.

No Action Alternative: Probably no change from current situation, with the exception of the Hirsch's, who have a deep understanding and commitment to land stewardship.

B. Land Use

Impact of Proposed Action: No significant impacts will occur with respect to: changes in geologic substructure, destruction or modification of any physical features, or exposure of people to natural hazards. Minor negative impacts will occur in the form of soil disruption through installation of water pipelines and fences. The soil disruption will be minimal and the impacts nonexistent in 1-3 years.

Maintenance of existing farming practices and implementation of a grazing system will have significant positive impacts on soil stability and changes in siltation, disposition and erosion patterns. These positive impacts will result from the increased vegetation that will occur through the combination of farming and grazing.

There could be some limitations on public use during specified critical times of the year, but no more than currently experienced. Existing human uses of the properties, under easement, will increase.

No Action Alternative: The natural resource productivity and potential of the area would be diminished. If the Hirsch's are limited to utilization as is the land's productiveness, both from an agricultural as well as a wildlife standpoint, would be limited. The opportunity to protect the land from sod busting and subdivision would also be lost.

C. Risk/Health Hazards

No significant impacts will occur with respect to; risk of any potential human hazards and emergency response plans.

D. Community Impacts

Impacts of Proposed Action: No appreciable impact from the existing condition. No significant impacts will occur with respect to: changes in the human population, community social structure, industrial activity or increased transportation problems. No known impacts will occur to adjacent private land resulting from the proposed action. Regulated public use will be available. Continued levels of use by recreationists, particularly hunters, will occur. The number and distribution of hunters will continue as practiced via a block management contract. Negative impacts to adjacent private land resulting from block management type hunting has not been reported. If adjacent landowners are negatively impacted as a result of hunting on the Hirsch Ranch the complaint will be addressed within 48 hours and a solution developed.

No Action Alternative: No change in existing conditions are expected if this amendment is not consummated. The ranch will be operated as a cattle ranch under grazing and farming systems as now practiced.

E. **Aesthetics/Recreation**

Impact of Proposed Action: In the long term, measurable change from existing conditions should occur. If these additional lands are placed under the original easement, the entire ranch will be developed to improve and protect (in perpetuity) the existing habitats for use by wild and domestic animals. Positive impacts will likely occur with respect to: changes in the aesthetic character of the area and changes in the quality and quantity of wildlife for recreational use. Additionally, the overall aesthetic value of improvements in the quality of soils and vegetation will be apparent. Some restricted recreational use could occur during critical periods to protect the livestock operators. Management of the ranch as articulated in the "Deed of Conservation Easement" will provide for public use while protecting landowner rights.

No Action Alternative: There could be moderate impacts to both aesthetic and recreation opportunities if the proposed amendment to the original land stewardship project does not become reality. The scenic vista of three habitats (riparian, shrub grassland and plains forest) could be impacted. Hunting opportunity could be reduced.

F. **Cultural/Historical Resources**

Impact of Proposed Action: No significant impacts will occur with respect to: alteration of any cultural, religious, historic, prehistoric or paleontological sites or uses of these sites.

No Action Alternative: Potential damage to as yet unidentified cultural sites could occur if the inholdings and adjacent pieces under consideration were subdivided and developed.

III. **SUMMARY EVALUATION OF SIGNIFICANCE**

Collectively, there may be moderate impacts to the human and physical environment if the proposed action is not completed. These impacts include:

- A. The lost opportunity of protecting threatened habitats, particularly the sagebrush grasslands and riparian areas.
- B. Inclusion of these inholdings and adjacent lands into the original easement will allow for more consistent and effective management and implementation of the original easement terms across the entire property. If this amendment proposal is unsuccessful, FWP could lose a significant opportunity to use its limited resources to improve and conserve critical wildlife habitat and maintain recreational opportunity. At present, the inholdings represent gaps in original easement and result in areas within the boundaries of the easement with inconsistent and possibly conflicting management. The purpose and benefits of the original easement are diluted by the presence of these inholdings and the presence of these inholdings could possibly, at some point in time, jeopardize the spirit and intent of the original easement.
- C. The lost opportunity to clearly demonstrate that, not only are livestock and wildlife compatible, but that livestock grazing and farming can and should be beneficial to wildlife.
- D. The lost opportunity to demonstrate that productive well-managed habitats under private ownership that provide public access to hunters is a realistic objective to maintaining Montana's wildlife and hunting heritage.

IV. **COORDINATION AND CONSULTATION**

Don Hyyppa	DFWP	Regional Supervisor
Debra Dils	DFWP	Land Agent
Don Childress	DFWP	Administrator Wildlife Division
Jack Lynch	DFWP	Legal Counsel
Steve Knapp	DFWP	Habitat Bureau Chief
John Ensign	DFWP	Regional Wildlife Manager

MANAGEMENT PLAN

**MANAGEMENT PLAN
HIRSCH RANCH CONSERVATION EASEMENT**

I INTRODUCTION

The people of the State of Montana recognize that certain native plant communities and wildlife habitat are worthy of perpetual conservation and has directed the Department (FWP) to acquire such areas by voluntary cooperative means.

The primary purpose of the Hirsch easement is to: protect seriously threatened habitats; and to meet the conservation mandates of the "Settlement Act of 1992", a secondary purpose is to develop a partnership between the landowners and hunters to improve and maintain the productivity and quality of the land, water and vegetation to meet the needs of wild and domestic animals, the landowners and hunters. This land stewardship project will be designed to improve the lands productive capabilities for agriculture and wildlife by: developing the amount of land farmed while producing crops beneficial for wildlife and livestock and implementing rest-rotation grazing. Three of the six statewide habitats, the riparian, shrub grassland and plains forest will be benefitted.

Easement terms will provide the additional benefits of: keeping in perpetuity lands for agricultural purposes; rewarding the landowners for their role in wildlife management; guaranteeing in perpetuity annual hunting opportunities; and providing hunting access to five miles of the Tongue River.

For specific site information on the Hirsch Ranch, refer to the "Deed of Conservation Easement".

This management plan will have input and concurrence from BLM and DNRC.

This Management Plan covers all lands in the original Conservation Easement (1997) and lands included in the Amendment to the original easement (1999).

II. DESCRIPTION OF THE AREA

The Hirsch Ranch is located about 30 miles south of Miles City in the Tongue River drainage. The ranch is bordered on the east by the Tongue River and each extends northwest for approximately 7 miles. Topography of the area is variable and ranges from the riparian and sagebrush, grassland, hills to timbered buttes. In addition to numerous ravines, two intermittent streams divide the ranch.

The property includes roughly 4.5 sections of riparian river bottom. This habitat is the most productive and diverse on the property. This particular riparian area consists of plains cottonwood, box elder and green ash forest with a willow, chokecherry, buffaloberry understory. Idle bottomland has typical flood plain vegetation. In addition, a mile long 40 acre cattail marsh occurs on the floodplain of the property. Five hundred twenty plus acres of laser leveled irrigated alfalfa hay meadows and grain fields cover a portion of the bottomland. The existing irrigation system will be a permanent water source for the wetland.

The property encompass' 11 sections of native shrub grassland. Dominant shrubs include silver sage in the bottoms and big sage in the uplands. Skunkbush is also a common shrub component. Typical native grasses include: western wheatgrass, little bluestem, needle and thread grass, bluebunch wheatgrass.

Four-and-one-half sections of plains forest habitat exist on the properties. This habitat consists of ponderosa pine and Rocky Mountain juniper groves interspersed with native grass parks. Skunkbush, sagebrush and creeping juniper are major understory components. Larger draws contain cottonwood and green ash stands.

The juxtaposition of riparian, shrub grassland and plains forest habitats on the properties make them a highly productive wildlife area. Of particular significance to wildlife are the well developed irrigated alfalfa hay meadows interspersed throughout the riparian habitat of the Tongue River. The potential conservation benefits and enrichment of the overall quality of life for people of the state of Montana make this an ideal Habitat Montana project.

A large block of the Custer National Forest lies 18 miles to the south. Within the project vicinity several other ranches also participate in FWP's Block Management program, and as such provide hunting opportunity. There is excellent future potential on these properties to develop conservation projects.

At present, antelope, mule deer and whitetail deer use the property yearlong, utilizing the shrubby vegetation and alfalfa fields during all seasons. Whitetail deer live yearlong primarily in the riparian/riverine habitat. Antelope are confined to the sagebrush grasslands, and alfalfa bottomlands. Mule deer occur over the entire ranch, but frequent the alfalfa river bottoms and hay fields as long as plants remain palatable.

Several species of upland game birds occur year round on the property, including sage grouse, sharptail grouse, turkeys, pheasant, and grey partridge. Sharptails and pheasants are abundant. Pheasants live yearlong in the riparian/riverine habitat. Sharptails and turkeys occur on the property, but frequent the Tongue River riparian area during winter. Sage grouse are closely tied to the sagebrush grassland vegetation, but also use the alfalfa fields during summer. The riparian/riverine habitat seasonally supports a diversity of waterfowl species in varying densities. Wood ducks, mallards, and Canada geese are common nesters.

The ranch provides year round habitat for fur species including mink, weasels, beaver, badger, bobcat, and raccoon.

Species including bald eagle, golden eagle, prairie falcon, ferruginous hawks, northern goshawk, kestrel, sharp shinned hawk, Coopers hawk, red-tailed hawk, rough legged hawk, osprey, great horned owl and burrowing owl use the area seasonally or year round. A myriad of song birds, small mammals, and reptiles and amphibians occur on the ranch because of the habitat diversity. Currently, fishing for channel catfish, smallmouth bass, and to a lesser extent, sauger and walleye is pursued.

The three major habitats with their various components provide a broad array of hunting opportunity. Hunting for mule deer, whitetail deer, pheasants, prairie grouse, turkey, waterfowl, and doves is currently good. The opportunity for nonconsumptive uses, particularly hiking and wildlife viewing is presently unlimited. Likewise, the opportunity to use the ranch for educational purposes by resource managers, livestock operators and the local school districts is boundless. These opportunities are not a part of the conservation easement and exist strictly at the landowners discretion.

III. GOAL

IMPROVE AND CONSERVE THE RIPARIAN, SHRUB GRASSLAND AND PLAINS FOREST HABITATS OF THE HIRSCH RANCH FOR PERPETUAL USE BY WILDLIFE AND DOMESTIC LIVESTOCK, TO BENEFIT ALL USER GROUPS WITH EMPHASIS ON AGRICULTURALISTS AND HUNTERS.

OBJECTIVE I IRRIGATED FARMLAND MANAGEMENT

To maintain the acres of irrigated lands adjacent to the Tongue River. The significance of these lands on the Hirsch Ranch as a source of food and cover for wildlife is unquestionable. Likewise the significance of these lands for agricultural purposes is unquestionable.

All irrigated lands have been laser leveled. The existing rebuilt irrigation system is considerably more efficient and will provide a permanent water source for the existing wetland.

All irrigated fields will be subject to the limitation and restriction that no more than 50% of the land may be planted in crops other than wheat, barley, oats, corn or alfalfa.

The landowner will continue to allow existing levels of wildlife use, particularly by big game. Should levels of use by big game in fact be detrimental, as determined from methods used by Rauscher, 1995 (Deer Use of Irrigated Alfalfa Along the Yellowstone River, Custer County, MT), FWP will take remedial action. FWP will provide all materials for stackyards to eliminate use of harvested hay by big game.

OBJECTIVE II GRAZING MANAGEMENT

To maintain at least the current year round level of livestock grazing (4320 AUM's). This objective will be met through the establishment of year round rest-rotation grazing. This grazing system is based upon "Principles of Rest Rotation Grazing and Multiple Use Land Management." 1970, by A.L. Hormay, Range Management Specialist USDI-BLM.

Establishment of this system will increase the vigor and productivity of the riparian, shrub grassland, and plains forest habitats overtime. Levels of livestock grazing sustained by the vegetation provided through this system should also increase.

A. Grazing Procedure and Treatments

Once rest rotation plans are developed and approved on the properties, listing specific pasture and time year use, they will be incorporated into this management plan.

FWP will share equally in developing the rest-rotation grazing systems. Grazing treatments will be as follows:

1. Treatment "A" -early grazing-Spring to Seed ripe (approximately August 1)
2. Treatment "B" -late grazing -Seed ripe to January
3. Treatment "C" -year long rest
4. Treatment "D" -winter grazing-January to Spring

Seed ripe time will be based upon the phenology of blue bunch wheatgrass (Agropyron spicatum)

Constraints and Flexibility

- 1) The plan will be reviewed annually by FWP and the landowners (refer to "Management Plan", of the "Deed of Conservation and Access Easement"). Results of the annual review will be made available to BLM and DNRC.
- 2) Modifications to the specific grazing formula and pasture treatments, due to acts of God, within a given year must have prior written approval by authorized representative of FWP.
- 3) On all lands within the grazing systems administered by either the BLM or DNRC the following when appropriate will apply:
 - a) All livestock will be moved within 7 days of stated treatment dates. Livestock that have not freely moved will be moved, at which time all gates will be closed between pastures.
 - b) Trailing of livestock through pastures not scheduled for use at the time of trailing, will be completed within a 3 day period.
 - c) Salt, mineral, protein or other supplemental

blocks or feeders and artificial rubs will require approval by BLM before placement on public land.

- 4) Changes in herd composition can be made from cow/calf to yearling or visa versa as long as designated AUM's are not exceeded (See "Deed of Conservation Easement" for explanation).

B. Evaluation and Monitoring

Vegetation

Vegetation response to rest-rotation grazing will be monitored by the use of vegetation transects, enclosures, and photo plots.

Transects will be established in areas representative of the three major habitat types. These transects will be evaluated at five year intervals.

Two, one acre enclosures will be constructed to evaluate vegetation. Transects will be established inside and outside the enclosures. These transects will also be evaluated at five year intervals.

General aspect photo plots will be established, in association with the transects to monitor gross changes in the vegetation community.

Livestock Use

Animal unit months compliance will be monitored by pasture, annually.

OBJECTIVE III HUNTING MANAGEMENT

Allow a minimum throughout the hunting season of 450 hunters for 1350 hunter days of use.

Provide free regulated public access through the entire hunting season for big game and game birds to include: mule deer, whitetail deer, antelope, turkeys, sharptail grouse, sage grouse, gray partridge, pheasants, mourning doves, geese, and ducks. Hunters will be allowed to hunt animals of all age and sex classes as specified by annual hunting regulations.

Hunter management will follow procedures developed for "Block Management". The plan will provide for the uniform distribution of hunters in time and place over the ranch to effect good game management practice. The plan will also provide needed flexibility to accommodate a change in the number of hunters, hunter days, and travel to alleviate game

damage to native vegetation and crops.

If adjacent private land is negatively impacted as a result of hunting on the Hirsch Ranch the complaint will be addressed within 48 hours and a solution developed.

OBJECTIVE IV FISHING AND NONCONSUMPTIVE USE MANAGEMENT

A significant outcome expected from the proposed project is the reduction of conflict between diverse user groups. The results of this planned system of management will identify user conflicts, develop strategies for solution and actuate those solutions on the ground. Consequently, the resources of the Hirsch Ranch will be available by landowner permission for use other than hunting.

A. FISHING

Fishing opportunity for several warm water species such as sauger, small mouth bass and channel catfish exists.

Fishing pressure is light. Permission to fish is required by the landowners. Good access via two bridges and maintained roads that parallel the river occurs. Preliminary negotiations between Les Hirsch and FWP have occurred to determine the possibility of developing a long term contract for fishing access.

B. Wildlife Viewing, Photography and Hiking

Since these nonconsumptive uses are currently infrequent to rare, regulation will be limited to:

1. Obtaining permission for access
2. Requiring motorized travel be restricted to roadways designated for hunter use.

C. Educational

The entire ranch will be used as an educational tool. All use will require landowner approval.

